

10 CFR Part 26
Contrast Between SECY-02-0023 and Revised Enforcement Discretion

Current Rule	SECY-02-0023	Revised Discretion
<p>Suitable inquiry (26.3): Suitable inquiry means best-effort verification of employment history for the past five years, but in no case less than three years, obtained through contacts with previous employers to determine if a person was, in the past, tested positive for illegal drugs, subject to a plan for treating substance abuse, removed from, or made ineligible for activities within the scope of 10 CFR part 26, or denied unescorted access at any other nuclear power plant or other employment in accordance with a fitness-for-duty policy.</p>	<p>The NRC normally will not take enforcement action for a licensee's failure to contact all employers when an individual candidate was employed for less than 30 days, provided that a licensee verifies at least one period of employment status during that 30-day period.</p>	<p>If the individual applicant's authorization has been interrupted for 30 calendar days or less and the individual's last authorization was terminated favorably, before granting authorization for unescorted access to the protected area of a nuclear power plant or assigning the individual to perform activities within the scope of Part 26, the licensee shall obtain and verify that a self-disclosure (i.e., a report of any drug- or alcohol-related arrests) for the period since the last authorization contains no potentially disqualifying FFD information, unless the individual was subject to a licensee-approved behavioral observation and arrest-reporting program throughout the period of interruption. Potentially disqualifying FFD information means information demonstrating that an individual has, during the period authorization was interrupted:</p> <ul style="list-style-type: none"> (1) Violated an employer's drug and alcohol testing policy; (2) Used, sold, or possessed illegal drugs; (3) Abused legal drugs; (4) Subverted or attempted to subvert a drug or alcohol testing program; (5) Refused to take a drug or alcohol test; (6) Been subjected to a plan for substance abuse treatment (except for self-referral); or (7) Had legal or employment action taken for alcohol or drug use. <p>The licensee shall also ensure that the individual has met FFD refresher training requirements.</p> <p>Licensees may rely upon the information gathered by previous licensees regarding an individual applicant's past five years of employment to meet the suitable inquiry requirement.</p>

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Current Rule	SECY-02-0023	Revised Discretion
<p>Pre-access testing ((26.24(a)(1))): Testing within 60 days prior to the initial granting of unescorted access to protected areas or assignment to activities within the scope of this part.</p>	<p>Pre-access testing for drugs and alcohol must be conducted within 60 days before the granting of unescorted access to protected areas or assignment to activities within the scope of this part, unless the individual:</p> <p>(a) Has been covered by a program meeting the requirements of this part for at least 30 days during the 60 days immediately previous to the granting of unescorted access; and</p> <p>(b) Has not tested positive for illegal drugs, been subject to a plan for treating substance abuse, been removed from or made ineligible for activities within the scope of Part 26, or been denied unescorted access at any other nuclear power plant or other employment in accordance with a fitness-for-duty policy.</p>	<p>If the individual applicant's authorization has been interrupted for 30 calendar days or less and the individual's authorization was terminated favorably, in order to grant authorization for unescorted access to the protected area of a nuclear power plant or assigning the individual to perform activities within the scope of Part 26, the licensee shall:</p> <p>(1) Obtain and verify that a self-disclosure for the past 30 days reveals no potentially disqualifying information; and</p> <p>(2) Ensure that the individual has met FFD refresher training requirements.</p> <p>If the individual applicant's authorization has been interrupted for 31 days to 60 days and the individual's last authorization was terminated favorably, in order to grant authorization for unescorted access to the protected area of a nuclear power plant or assigning the individual to perform activities within the scope of Part 26, the licensee shall:</p> <p>(1) Obtain and verify that a self-disclosure for the period since the last authorization contains no potentially disqualifying FFD information, unless the individual was subject to a licensee-approved behavioral observation and arrest-reporting program throughout the period of interruption;</p> <p>(2) Within 5 working days of granting authorization, complete a suitable inquiry for the period since last authorization was terminated, unless the individual was subject to a licensee-approved behavioral observation and arrest-reporting program throughout the period of interruption;</p> <p>(3) Verify that results of an alcohol test are negative and collect a specimen for drug testing, unless either a drug and alcohol test meeting the standards of Part 26 was performed within the past 60 days and results were negative or the individual was subject to a licensee-approved Part 26 FFD program that included random drug and alcohol testing throughout the period of interruption; and</p> <p>(4) Ensure that the individual has met FFD refresher training requirements.</p>